

REMARKS

Claims 1-18 stand rejected in the outstanding Official Action. Claim 1 has been cancelled, claims 2, 5-9, 10, 11, 14, 15, 17 and 18 amended and newly written claims 19-23 offered for consideration. Therefore, claims 2-23 are the only claims remaining in this application.

The Examiner's acknowledgment of applicants' claim for foreign priority and receipt of the certified copy of the priority document is very much appreciated. Additionally, the Examiner's consideration of the prior art previously submitted with applicants' Information Disclosure Statement is appreciated.

Drawing figures are objected to in the outstanding Official Action. Specifically, Figures 3a and 3b are objected to as utilizing different reference characters for the same elements. Applicants include herewith a proposed drawing correction with respect to Figure 3b relabeling the elements to be consistent with the common elements of Figure 3a, although they are two separate embodiments. The Examiner also indicates that on sheet 2 of the drawings, the lower right figure labeled as "2d" should be --2e--. It is assumed that the Examiner meant to refer to the lower **left** figure which is currently labeled 2d and it is proposed to amend this to read "Fig. 2e."

Upon approval of the attached proposed drawing corrections and receipt of a Notice of Allowance, applicants will submit corrected formal drawings implementing the above-proposed corrections.

The Patent Office objects to the Abstract, the arrangement of the specification and the Draftsman object to the drawings. It is also appreciated that the Examiner has brought the Abstract, the arrangement of the specification and the existence of Form PTO-948 to the applicant's attention. It is noted that the objection to the Abstract, the arrangement and this form appear to be an indication that the originally filed specification and drawings (transmitted from WIPO) do not meet the formality requirements of the U.S. Patent and Trademark Office. The Patent Office is reminded that the U.S. Patent and Trademark Office must comply with all articles of the Patent Cooperation Treaty (PCT) including Article 27. It has been held that:

“if the rule and interpretation of the PTO conflicts with the PCT, it runs afoul of Article 27 of the PCT which provides in part:

- (1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.”
Caterpillar Tractor v. Commissioner, 231 USPQ 590, 591 (EDVA 1986).

The Patent Office has referenced this decision in the Official Gazette dated September 9, 1986 (1070 TMOG 5).

As a consequence, the Patent Office (including the Chief Draftsman's Office) may not require Abstract changes, specification format changes and/or drawing corrections (including changes in paper size, margins, etc.) as long as the originally submitted documents comply with the PCT requirements. Inasmuch as this specification and these drawings were forwarded for WIPO, by definition, they meet the PCT requirements (they

are not forwarded until they meet PCT requirements.). Therefore, the objection to the Abstract, the specification and the Notice of Draftsman's Patent Drawing Review is respectfully traversed and reconsideration thereof is respectfully requested.

Notwithstanding the above, applicant has included a retyped Abstract on a separate sheet, and has added headings and subheadings to the specification. Corrected formal drawings will be submitted upon receipt of a Notice of Allowance.

Claim 11 is objected to as being dependent from itself. Applicants have corrected this error in claim 11 and made it dependent upon newly written claim 19, but appreciates the Examiner treating claim 11 as dependent upon claim 1 which was applicants' previous intent.

Claims 1-18 stand objected to with respect to various alleged informalities. While claim 1 has been cancelled without prejudice, newly written independent claim 19 has been crafted to avoid the difficulties noted by the Examiner. Applicants have used the consistent terms indicator diaphragm and display diaphragm, and the newly written claim 19 is believed to obviate any objection to the claim similar to those voiced with respect to claim 1. Claim 6 has been amended to avoid alternative claiming, and it is noted that "biasing means" has antecedent basis in claim 5. The Examiner's objection to claim 16 has been obviated in that the extra "an" has been deleted.

Claims 5 and 6 stand rejected under 35 USC §112 (second paragraph) as being indefinite. The Examiner suggests that claim 5 lacks antecedent basis for various terms recited therein. Applicants have amended claim 5 to depend from claim 3 which

provides antecedent basis for the second surface and have amended claim 5 to recite the "rigid structure." Accordingly, applicants believe claim 5 and claim 6 dependent thereon meet the requirements of 35 USC §112 and any further rejection thereunder is respectfully traversed.

Former claim 1 and claims 2-4, 7-9 and 14 dependent thereon stand rejected under 35 USC §102 as being anticipated by Popenoe (U.S. Patent 5,189,979). The Examiner correctly notes that Popenoe teaches a pressure indicator embodied in a threaded metal housing 11 for connection to the structure whose pressure is being measured.

Applicants have rewritten claim 1 as newly written claim 19 and notes that this claim positively recites that a flexible pressure indicator is provided where the indicator is comprised of a flexible display diaphragm and a flexible indicator diaphragm which form first and second opposing outer surfaces of the pressure indicator itself. Moreover, the diaphragms form a compartment within the indicator, and a change of pressure applied to one of the outer surfaces of the pressure indicator causes relative movement between the diaphragms so that a pattern or configuration on the indicator diaphragm becomes visible.

There is no disclosure in Popenoe that the two diaphragms form first and second opposing outer surfaces of the pressure indicator. The inherent simplicity of applicants' claimed invention is one of the main benefits of this structure, i.e. it can be used in any one of a number of different applications. As discussed in applicants' specification, the device is particularly beneficial when used to indicate pressure in an inflatable device,

especially a soccer ball (called a "football" in the U.K.) or tire or other such inflatable device. It would be very clear to those having ordinary skill in the art that the Popenoe device, with its heavy metal housing and its internally located diaphragms requiring the heavy viewing window, could not be utilized in many applications. Applicants' simple and convenient invention can be applied to many different uses, including the above-noted soccer ball and tire applications.

In view of the above and in view of the fact that Popenoe requires the heavy metal housing and the internal diaphragms, applicants' structure of claim 19 (and claims dependent thereon) is not rendered obvious by the Popenoe reference and clearly contains structure different from that disclosed in Popenoe. As a result, newly written claim 19 and claims 2-18 and 20-22 dependent thereon are clearly patentable over the Popenoe reference.

Applicants also introduce newly written claim 23, similar to claim 19 but which specifies that the display diaphragm includes a lenticular material (discussed in applicants' specification in the paragraph bridging pages 5 and 6, and again at lines 10-20 on page 6), which material changes its apparent transmissivity of light or images, depending upon the degree of contact with another surface. As a result, newly written claim 23 is clearly patentable over the Popenoe reference as well, as there is no disclosure of such lenticular material in the Popenoe reference.

Claims 10-13 stand rejected under 35 USC §103 as unpatentable over Popenoe '979 in view of Popenoe '186 (U.S. patent 3,602,186). The above comments relating to

Popenoe '979 as applied to newly written claim 19 are herein incorporated by reference, as claims 10-13 ultimately include the limitations of newly written claim 19. The earlier Popenoe '186 patent fails to disclose flexible diaphragms and in fact teaches away from the use of flexible diaphragms with its rigid "window 13" and rigid disc 11.

Moreover, there is clearly no reason or motivation for combining the two Popenoe references. Even if they were combined, one of ordinary skill in the art would have to choose between the external rigid window 13 in Popenoe 186 and the internal flexible diaphragm of Popenoe '979. There is no indication or suggestion as to why or how one of ordinary skill in the art would make this choice in view of the two cited references. Absent some suggestion or motivation for the combination of elements in the manner set out in applicants' newly written claim 19 and claims dependent thereon, the Examiner has failed to make a *prima facie* case of obviousness under 35 USC §103 and any further rejection of claims 10-13 is respectfully traversed.

Claim 17 stands rejected under 35 USC §103 as being unpatentable over Popenoe '979. Inasmuch as claim 17 ultimately depends from newly written claim 19, the above comments distinguishing newly written claim 19 over the Popenoe '979 patent are herein incorporated by reference. Clearly there is no basis for a rejection of claim 17 as being obvious over the Popenoe '979 patent.

Claims 15, 16 and 18 stand rejected under 35 USC §103 as unpatentable over Huang (U.S. Patent 5,755,634) in view of Popenoe '979. Again, because claims 15, 16

and 18 all depend from claim 19, the above comments distinguishing claim 19 from the Popenoe '979 patent are herein incorporated by reference.

The Huang reference teaches an inflatable ball with a digital pressure display device. The Examiner, in combining Popenoe '979 with Huang, is apparently assuming that the heavy cumbersome metal housing pressure indicator of Popenoe could be utilized in an inflatable ball. As noted in applicants' specification, this is definitely not the case, as such use would throw off the balance of a soccer ball or the balance weight of a tire, rendering them unsuitable for their intended use.

Moreover, the Examiner's admission that "Huang does not disclose a pressure indicator with the limitations of claim 1" is very much appreciated. Applicants have rewritten claim 1 as newly written claim 19, and thus this same admission is believed applicable. Because neither Popenoe '979 nor Huang teach the limitations of applicants' newly written claim 19, claims 15, 16 and 18 dependent thereon cannot be considered obvious in view thereof and any further rejection thereunder is respectfully traversed.

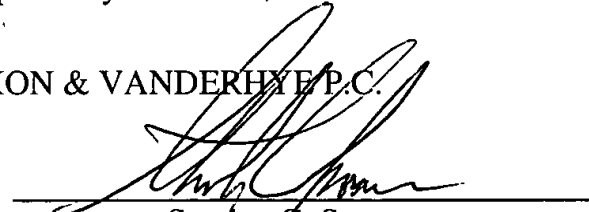
Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 2-23 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of these claims, he is respectfully requested to contact applicant's undersigned representative.

TREEN et al
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read 'Stanley C. Spooner', is written over a horizontal line.

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